

32513
DO

SERVICE DATE - JANUARY 30, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 235X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT
EXEMPTION—IN MCDOWELL COUNTY, WV

Decided: January 24, 2002

Norfolk South Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 4.58-mile line of railroad between milepost RP-0.0 at Roderfield and milepost RP-4.58 at Premier, in McDowell County, WV. Notice of the exemption was served and published in the Federal Register on December 10, 2001 (66 FR 63743-44).

By decision served January 8, 2002, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the conditions that NSR: (1) consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station makers in order to plan for their relocation; and (2) retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until completion of the section 106 process of the National Historic Preservation Act. The West Virginia Division of Culture and History has informed SEA that the proposed abandonment is not eligible for listing in the National Register of Historic Places. Therefore, SEA recommends that the historic preservation condition imposed in the January 8, 2002 decision be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.¹

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the decision served January 8, 2002, is removed.

¹ The NGS condition imposed in the January 8, 2002 decision remains in effect.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary